

REMARKS

Claims 3, 4, 6-31, 35 and 53-55 were pending and presented for examination and in this application. In an Office Action dated May 27, 2009, claims 3, 4, 6-31, 35 and 53-55 were rejected. Applicants thank Examiner for examination of the claims pending in this application and addresses Examiner's comments below.

Applicants are amending claims 54 and 55 in this Amendment and Response. These changes are believed not to introduce new matter, and their entry is respectfully requested. In making these amendments, Applicants do not concede that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, Applicants reserve the right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Double Patenting Rejection of the Claims

Applicants respectfully submit that it is premature to address the double patenting rejections at this time as the precise scope of the claims of the pending application has not been finalized.

However, in the interest of moving this application to allowance, Applicants offer to file an appropriate terminal disclaimer when the claims of the pending application are allowed.

Claim Rejections under 35 USC 103

To establish *prima facie* obviousness of a claimed invention, *all the claim limitations must be taught or suggested* by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974) (emphasis added). Finding all the claim elements in the prior art is necessary, but *not* sufficient. *KSR Intern. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007) ("a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art"). "*All words in a claim must be considered* in judging the

patentability of that claim against the prior art." MPEP § 2143.03, *citing In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) (emphasis added).

Accordingly, to establish a prima facie case of obviousness under 35 U.S.C. § 103, the Examiner must show at a minimum that *every* claim limitation is taught or suggested by the prior art. MPEP § 2143.03. Applicants respectfully submit that the references the Examiner cited, either individually or in combination, do not teach or suggest each and every limitation of the amended independent claims for at least the following reasons.

Claim 54

In response to Examiner's rejections, it is respectfully submitted that none of the cited references disclose or suggest the features of independent claim 54.

For example, Stewart fails to disclose or make obvious the monitoring of both internal and external networks. Stewart merely discloses the monitoring of a company's own network such as that of Sprint (see Col. 1, lines 30-31).

Further, none of the cited references disclose or make obvious the following features of independent claim 54:

"server transaction events, bandwidth allocation events, resource allocation events, user login events, user logout events, server startup events, server shutdown events, real-time communication events, real-time communication error events, service events, and service error events;"

In fact, in the Office Action, the Examiner failed to address the above features. In the Office Action, there was no mention of server transaction events, bandwidth allocation events, resource allocation events, user login events, user logout events, server startup events, server shutdown events, real-time communication events, real-time communication error events, service events, and service error events.

Further, neither Stewart nor any of the other cited references disclose or make obvious generating a report in response to "receiving query parameter information from a user" as required by independent claim 54. The Examiner points to Stewart Col. 10, lines 36-41, Col. 12, lines 65-67, Col. 14, lines 49-53, Col. 15, lines 24-28 as disclosing such a feature. Applicants respectfully disagree. For example, Col. 12, lines 65-67 of Stewart fails to disclose or make obvious generating a report in response to "receiving query parameter information from a user."

In fact, Col. 12, lines 65-67 of Stewart teaches "buttons" in Table 1 for reviewing raw data. However, these "buttons" do not generate reports. They are merely navigation buttons by which "the operator will be transferred to the site log file which will contain raw log data for the selected day."

Thus, independent claim 54 is allowable for at least the reasons stated herein and all rejections regarding claim 54 should be withdrawn.

Claim 55

Independent claim 55 includes features that are similar to independent claim 54 and hence is allowable for the same reasons stated above. Thus, all rejections regarding claim 55 should be withdrawn.

Dependent claims

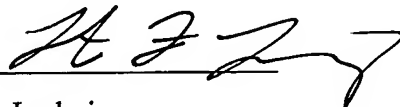
All the dependent claims either directly or indirectly depend from allowable claim 54 or allowable claim 55 and hence are allowable for at least the same reasons stated for claims 54 and 55. Further, the dependent claims include features that independently render them allowable.

The Examiner is invited to call the undersigned at (650) 525-3300, if a telephone call could help resolve any remaining items.

Respectfully submitted,

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